IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

TUESDAY, THE 10TH JULY 2007 / 19TH ASHADHA 1929

WP(C).No. 11214 of 2006(I)

PETITIONERS:

1. **N.BINDHU, PHARMACIST GRADE I, GOVERNMENT AYURVEDA DISPENSARY, RANNY, ANGADI P.O.**
2. **K.A.SADASIVAN, PHARMACIST GRADE I, GOVERNMENT AYURVEDA DISPENSARY, ELANTHOOR.**
3. **R.USHA, PHARMACIST GRADE I, GOVERNMENT AYURVEDA DISPENSARY, PALLICKAL.**
4. **S.JAYALAKSHMI, PHARMACIST GRADE I, GOVERNMENT AYURVEDA DISPENSARY, KEEZHVAIPPUR.**
5. **P.K.SUJATHA, PHARMACIST GRADE I, GOVERNMENT AYURVEDA DISPENSARTY,(TRIBAL DISPENSARY) ADHICHIPPUZHA P.O.**
6. **K.R.SYAMALA, PHARMACIST GRADE I, GOVERNMENT AYURVEDA DISPENSARY, CHITTAR.**
7. **N.JASEEM, PHARMACIST GRDE I, GOVERNMENT AYURVEDA HOSPITAL, OMALLOOR.**

77. **N.JASEEM, PHARMACIST GRADE I, GOVERNMENT AYURVEDA HOSPITAL, OMALLOOR.**

BY ADV. SRI.PHILIP M.VARUGHESE

RESPONDENTS:

1. **THE STATE OF KERALA, REPRESENTED BY THE SECRETARY, DEPARTMENT OF FINANCE, SECRETARIAT, THIRUVANANTHAPURAM.**
2. **THE DISTRICT MEDICAL OFFICER, INDIAN SYSTEMS OF MEDICINE, PATHANAMTHITTA.**

BY GOVERNMENT PLEADER SRI. NOBLE MATHEW

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 10/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: COPY OF ORDER NO.E1.2368/91 DTD. 24/02/1995 OF THE DISTRICT MEDICAL OFFICER, PATHANAMTHITTA.

EXT.P2; COPY OF ORDER NO.E1.7538/98 DTD. 20/02/1990 ISSUED BY THE DISTRICT MEDICAL OFFICER, PALAKKAD.

EXT.P2(A): COPY OF ORDER NO.E1-6312/90 DTD. 17/04/1991 OF THE DISTRICT MEDICAL OFFICER, PATHANAMTHITTA.

EXT.P2(B): COPY OF ORDER NO.E1.2368/92 DTD. 26/12/1992 ISSUED TO THE 1ST PETITIONER, APPOINTING AS PHARMACIST GRADE II.

EXT.P2(C): COPY OF ORDER NO.E1.5158/93 DT.D. 7/04/1994 OF THE DISTRICT MEDICAL OFFICER, PATHANAMTHITTA.

EXT.P3; COPY OF ORDER NO.E1.9864/85 DTD. 29/01/1987 OF THE DISTRICT MEDICAL OFFICER, MALAPPURAM.

EXT.P3(A): COPY OF ORDER NO.E1.3615/90 DTD. 22/04/1991 OF THE DISTRICT MEDICAL OFFICER, PATHANAMTHITTA.

EXT.P3(B): COPY OF ORDER NO.E1.2368/92 DTD. 26/12/1992 OF THE DISTRICT MEDICAL OFFICER, PATHANAMTHITTA.

EXT.P3(C): COPY OF ORDER NO.E1.5158 OF 1993 DTD. 7/04/1994 OF THE DISTRICT MEDICAL OFFICER, PATHANAMTHITTA.

EXT.P4; COPY OF DISCHARGE CERTIFICATE NO.1277/88 DTD. 7/10/1989 OF THE DIST.MEDICAL OFFICER, PADANNAKKAD.

EXT.P5: COPY OF ORDER NO.E1.3197/88 DTD. 25/01/1989 OF THE DISTRICT MEDICAL OFFICER, MALAPPURAM.

EXT.P5(A): COPY OF ORDER NO.E1.3795/88 DTD. 16/04/1990 OF THE DISTRICT MEDICAL OFFICER, KANNUR.

EXT.P5(B); COPY OF ORDER NO.E1.4481/88 DTD. 30/05/1990 OF THE DISTRICT MEDICAL OFFICER, PATHANAMTHITTA.

EXT.P5(C): COPY OF ORDER NO.E1.2368/92 DTD. 8/10/1992 OF THE DISTRICT MEDICAL OFFICER, PATHANAMTHITTA.

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EXT.P5(D): **COPY OF ORDER NO.E1.5158/93 DTD. 30/12/1993 OF THE DISTRICT MEDICAL OFFICER, PATHANAMTHITTA.**

EXT.P5(D): **COPY OF ORDER NO.E1.5158/93 DTD. 301/12/1993 OF THE DISTRICT MEDICAL OFFICER, PATHANAMTHITTA.**

EXT.P6: **COPY OF ORDER NO.E1.3250/91 DTD. 27/11/1991 OF THE DISTRICT MEDICAL OFFICER, KOZHIKODE.**

EXT.P6(A): **COPY OF ORDER NO.E1.412/93 DTD. 10/03/1993 OF THE DISTRICT MEDICAL OFFICER, PATHANAMTHITTA.**

EXT.P7: **COPY OF ORDER NO.E1.2368/92 DTD. 8/10/1992 OF THE DISTRICT MEDICAL OFFICER, PATHANAMTHITTA.**

EXT.P7(A): **COPY OF ORDER NO.E1.5158/93 DTD. 30/12/1992 OF THE DISTRICT MEDICAL OFFICER, PATHANAMTHITTA.**

/TRUE COPY/

KSS

K.BALAKRISHNAN NAIR, J.

W.P.(C) No.11214 of 2006 I

Dated this the 10th day of July, 2007.

JUDGMENT

The petitioners are Pharmacists Grade I working under the respondents. They were recruited through the Public Service Commission to the post of Pharmacist Grade II before 1.10.1994. Prior to their appointment, they had provisional service in the said post. Praying to count the said service also for the purpose of granting increments, this writ petition is filed.

2. The respondents have filed counter affidavit opposing the said prayer in the writ petition.

3. The point raised in this writ petition is covered by several decisions of this court. Accordingly, it is ordered that if the claim of the petitioners that they had provisional service in the post of Pharmacist Grade II prior to 1.10.1994 is correct, they are entitled to reckon that service for the purpose of increments. The petitioners may file individual representations setting out their claim in

this regard before the 2nd respondent, along with a copy of this judgment. The 2nd respondent will consider and pass orders on them in the light of the observations made herein above, within two months from the date of receipt of the same.

Writ petition is disposed of as above.

Sd/-

(K.BALAKRISHNAN NAIR)
JUDGE

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